

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JOEVAL M. JONES,**

**Petitioner,**

**v.**

**Case No. 07-C-486**

**RICHARD SCHNEITER,  
Warden,**

**Respondent.**

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**ORDER DENYING CERTIFICATE OF APPEALABILITY**

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On May 25, 2007, Joeval M. Jones (“Jones”), a person incarcerated pursuant to a Wisconsin state court judgment, petitioned for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, which this court denied on December 10, 2007 on its merits. On January 4, 2008, Jones filed a notice of appeal.

Before person incarcerated pursuant to a state court judgment may appeal the decision of a district court regarding a petition for a writ of habeas corpus, the petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c).

A notice of appeal acts as a request for a certificate whether or not the prisoner files a separate application. Fed. R. App. P. 22(b)(2) (“If no express request for a certificate is filed, the notice of appeal constitutes a request addressed to the judges of the court of appeals.”). But a petitioner who relies on his notice of appeal is hard put to meet the statutory standard, for a certificate of appealability may issue only when “the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A notice of appeal does not give reasons, and a silent document rarely constitutes a “substantial showing” of anything.

West v. Schneiter, 485 F.3d 393, 394-395 (7th Cir. 2007)

Jones has failed to present any reasons as to why a certificate of appealability should be granted and thus has failed to make a "substantial showing of the denial of a constitutional right." Therefore, this court must deny Jones' request for a certificate of appealability.

**IT IS THEREFORE ORDERED** that Jones' request for a certificate of appealability is **denied**.

Dated at Milwaukee, Wisconsin this 7th day of January, 2008.

s/AARON E. GOODSTEIN  
U.S. Magistrate Judge